

FILED
U.S. DISTRICT COURT

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DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	M I S D E M E A N O R
	:	I N F O R M A T I O N
Plaintiff,	:	
	:	(Violation Notice F3889127
v.	:	
	:	Simple Possession of a
JESSEN R. GILBERT,	:	Controlled Substance
	:	(21 U.S.C. § 844)
Defendant.	:	
	:	Magistrate Judge Robert T.
	:	Braithwaite

The United States Attorney Charges:

COUNT I

On or about the 11th day of December, 2011, in the Central Division of the District of Utah, on National Forest System Land within Utah County,

JESSEN R. GILBERT,

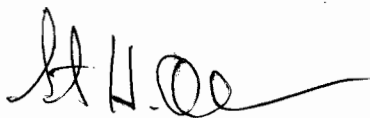
the Defendant herein, did possess a controlled substance (to wit: marijuana), all in violation of 21 U.S.C. § 844 and as described in the attached copy of Violation Notice F3889127 with Statement of

Case: 2:12cr00034
Assigned To : Braithwaite, Robert T.
Assign. Date : 1/23/2012
Description: USA v. Gilbert

Probable Cause, which are incorporated by reference and made a part thereof.

DATED this 21st day of January, 2012.

DAVID B. BARLOW
United States Attorney

A handwritten signature in black ink, appearing to read 'SH Olsen', written over a horizontal line.

STANLEY H. OLSEN
Assistant United States Attorney

United States District Court

Violation Notice

CVB Location Code

133

Violation Number F 3889127	Officer Name (Print) Sinitt	Officer No. 2041
YOU ARE CHARGED WITH THE FOLLOWING VIOLATION		
Date and Time of Offense (mm/dd/yyyy) 12/11/11 1600	Offense Charged 21 USC 844	
Place of Offense Sq. Pk FS RD #027		
Offense Description 21 USC 844 SIMPLE POSSESSION C/S - MARIJUANA		

F 3889127

ADDITIONAL SUBJECT INFORMATION

Telephone Home	Telephone Work
Business Address	
Scars, Marks, Tattoos	
AKA'S	
Occupation	Clothing

ADDITIONAL VEHICLE INFORMATION

Registered Owner	<input type="checkbox"/> Same as driver
Stored at	Telephone

LOCATION DESCRIPTION

Region 04	Forest 19	District 02	State 49	County 49	Info. Retrieval Codes 04
Incident Location Coordinate (Latitude/Longitude) (ddd:mm:ss / ddd:mm:ss) 40° 18' 07" / - 111° 37' 53"					

Property (Whole Dollar Amount)

Damage	Stolen	Recovered
\$	\$	\$

Resource (Whole Dollar Amount)

Damage	Stolen	Recovered
\$	\$	\$

Timber/Other Forest Products (Volume)

Contractual	Permit	Theft
Species	Product	Unit Measure

INCIDENT TYPE

DP4

CASE DISPOSITION

Case No.	Offense Code	Court Level <input type="checkbox"/> Federal Magistrate (M) <input type="checkbox"/> State (S) <input type="checkbox"/> Federal District (D)
Disposition <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty	<input type="checkbox"/> Dismissed <input type="checkbox"/> Other	<input type="checkbox"/> Warrant <input type="checkbox"/> Pending <input type="checkbox"/> Forfeiture <input type="checkbox"/> Diversion
Fine	Suspended Fine	Restitution
\$	\$	\$
Sentence (Days)	Suspended Sentence (Days)	Probation (Days)
Public Service (Hours)	Court Appearance Date (mm/dd/yyyy)	
Warrant Number	Date Warrant Issued (mm/dd/yyyy)	
Warrant Bond	Warrant date of Service (mm/dd/yyyy)	New Case No.
\$		

DEFENDANT

Last Name GILBERT	First Name JESSEN	M.I. R
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VEHICLE DESCRIPTION

VIN:

Tag No.	State	Year	Make	Type	Color
<p>A <input checked="" type="checkbox"/> IF BOX A IS CHECKED, YOU MUST APPEAR IN COURT. SEE INSTRUCTIONS (on back of yellow copy).</p> <p>B <input type="checkbox"/> IF BOX B IS CHECKED, YOU MUST PAY AMOUNT INDICATED BELOW OR APPEAR IN COURT. SEE INSTRUCTIONS (on back of yellow copy).</p> <p>\$ Forfeiture Amount + \$25 Processing Fee</p> <p>PAY THIS AMOUNT → \$ Total Collateral Due</p>					

YOUR COURT DATE

(If no court appearance date is shown, you will be notified of your appearance date by mail.)

Court Address 350 S MAIN ST SCL 417 84101	Date (mm/dd/yyyy) 1/11/12
	Time (hh:mm) 9:00 AM

My signature signifies that I have received a copy of this violation notice. It is not an admission of guilt. I promise to appear for the hearing at the time and place instructed or pay the total collateral due.

X Defendant Signature

Previous edition is obsolete

Original - CVB Copy

FS-5300-4 (7/05)



USDA
Forest Service

STATEMENT OF PROBABLE CAUSE

CASE NUMBER
14B26 F3889127

I state that on December 11, 2011 while exercising my duties as a law enforcement officer on Federal Lands, District of Utah.

While on patrol of the Squaw Peak Road/FSRD #027 I saw a red passenger car parked at the closed gate. I stopped my truck and walked up to the vehicle. I looked inside to see whether or not it was occupied. I saw that it was not occupied however; the driver's side window was rolled down a couple of inches. I smelled the interior of the car and detected an overwhelming odor of burnt marijuana. I suspected that marijuana had recently been smoked inside the car due to the heavy odor of burnt marijuana. I also believed that the driver and or passengers were out hiking and had would have the marijuana in their possession.

About this time Utah County Deputy Keith arrived and I explained what I had found. Deputy Keith smelled the vehicle and agreed that it was indeed a strong odor of burnt marijuana inside the car. There were no other vehicles parked at the gate so we opened the gate and drove up the road to look for the owner of the car.

We made contact with three males a short distance up the road. The males were identified as Cody H. Di ANGELO, Lindsay O. ROBERTSON (DOE) and Jessen R. GILBERT (DOB [redacted]). I parked my truck and walked across the road where I made contact with the males. I asked if they had been hiking and they told me that they had been. I then asked if they had driven up in the red Honda hatchback that was parked at the gate. They said yes. I asked who the owner of the car was. GILBERT told me that the car was his. I then asked if he was the driver, and he said that he was. I then asked Di ANGELO and ROBERTSON if they were passengers in the car. They both told me that they were.

I then advised the males that I could smell an overwhelming odor of burnt marijuana inside the car. I explained to them that the window was left cracked a few inches and I could smell burnt marijuana. I then asked if they had any marijuana or pipes on their persons. GILBERT, who was the owner of the car, told me that he had a pipe inside of his coat pocket. I then searched GILBERT and located two pipes on his person. One was a glass pipe which had a burnt substance inside which, looked and smelled like burnt marijuana. The other pipe appeared to be a tobacco pipe. The pipes were inside of his front coat pocket.

I then asked the other two males if they had any drugs or paraphernalia on their persons. They said they did not. I then studied their eyes and asked them to stick out their tongues. Both Di ANGELO and ROBERTSON had physical indicators of marijuana use. Those indicators were red and glossy eyes, a green tint on the back of their tongues and a slow speech pattern meaning, when I asked them a question their response to my question was slow and delayed.

I then conducted a search of both ROBERTSON and Di ANGELO based upon their physical indicators of marijuana use as well as their admission to driving to the area in the same vehicle in which I smelled an overwhelming odor of burnt marijuana inside.

While searching Di ANGLEO's back pack I found three homemade pipes which had burnt residue inside them which smelled like burnt marijuana. I also found a false Root Beer can which contained plastic baggies. The baggies inside the false Root Beer can contained a green leafy substance which looked and smelled like marijuana.

I then searched ROBERTSON and I found no drugs or paraphernalia on his person. However, based upon his physical indicators of marijuana use and his admission to Deputy Keith that he had smoked



USDA STATEMENT OF PROBABLE CAUSE
Forest Service

CASE NUMBER
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marijuana earlier I decided that I would like to question him further. I read ROBERTSON his Miranda Rights and asked if he understood those rights. ROBERTSON told me that he understood his rights. I then asked him he would like to continue speaking with me. ROBERTSON said that he would like to cooperate and he knew he had made a mistake. He agreed to continue speaking to me. I informed ROBERTSON that I would like him to write me statement about what happened and how he had smoked marijuana. I advised him that he did not have to do so. ROBERTSON agreed to write a statement. I retrieved my statement forms from my truck and gave one to ROBERTSON. I again told him that he did not have to write a statement. ROBERTSON then wrote out a statement on his own free will regarding what had happened. In ROBERTSON's statement he admitted to smoking marijuana or what he believed to be marijuana with his friends.

I then issued violation notices to GILBERT, Di ANGELO and ROBERTSON for simple possession of a controlled substance-marijuana. I informed them of a future court appearance and gave them the courts address. By then Officer Schoeffler with the USFS had arrived and we transported all three males back down to GILBERTS red Honda hatchback.

Officer Schoeffler and I conducted a search of his vehicle for illegal drugs. Officer Schoeffler located two other glass pipes along with several plastic baggies containing what looked and smelled like marijuana. The pipes looked to have been smoked recently due to the burnt plant material inside the bowls of each pipe. The burnt substance looked and smelled like burnt marijuana. The drugs and paraphernalia were located inside the passenger side glove box.

Deputy Keith conducted a field sobriety test on GILBERT. After finding that GILBERT would be able to drive down the canyon safely we advised the males that they were free to leave and we left that area.

The foregoing statement is based upon:

☒ my personal observation ☒ my personal investigation

☐ information supplied to me from my fellow officer's observation

☐ other (explain above)

I declare under penalty of perjury that the information which I have set forth above and on the face of this violation notice is true and correct to the best of my knowledge.

Executed on: 12-11-11
 Date

Ira Smith
 Officer's Signature

IRA SMITH 2041
 Officer's Printed Name and Badge Number

Probable cause has been stated for the issuance of a warrant.

Executed on: _____
 Date U.S. Magistrate Judge